

**2-18-815. Transfer of authority of board of regents authorized.** (1) The board of regents of higher education may transfer its authority for providing group benefits for employees of the Montana university system to the department.

(2) Upon transfer of the board of regents' authority as provided in (1) of this section, group benefit plans for employees of the Montana university system are subject to the provisions of this part.

**History:** En. Sec. 9, Ch. 555, L. 1979.

**Cross-References**

Board of Regents, Art. X, sec. 9, Mont. Const.; 2-15-1505.

Montana University System — regents' powers and duties, Title 20, ch. 25, part 3.

EXHIBIT #1

DATE Jan 11<sup>th</sup> 2011

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**2-18-816. Biennial audit of group benefit plans required.** The state employee group benefit plans established under this part, whether established on a self-funded basis or not, must be audited every 2 years. The audit must cover the 2-year period since the last audit and be conducted by or at the direction of the legislative auditor.

**History:** En. Sec. 10, Ch. 555, L. 1979; amd. Sec. 1, Ch. 86, L. 1989.

**Cross-References**

Legislative Auditor, Title 5, ch. 13, part 3.

Certified public accountants, 37-50-302.

**2-18-817 through 2-18-819 reserved.**

**2-18-820. Continuation of health insurance for legislators.** A legislator who is involuntarily terminated from performing service in either house of the legislature because of term limits is entitled to remain covered by the state's group health insurance plan and to the continuation of the employer's contributions to the employee's group health insurance plan for up to 6 months from the last day of the legislator's final term of office in that house. The provisions of this section are in addition to the rights and benefits provided under 2-18-704 and do not affect the right of a legislator to remain on the group health insurance plan after 6 months if the legislator is otherwise eligible under 2-18-704 to remain covered.

**History:** En. Sec. 11, Ch. 558, L. 1999.

## Part 9 Subrogation — Notice

**Part Cross-References**

Subrogation rights — collateral source reductions, 27-1-308.

Disability insurance — subrogation rights, Title 33, ch. 22, part 16.

Workers' compensation — subrogation, 39-71-414.

**2-18-901. Subrogation rights.** A disability insurance policy subject to this chapter may contain a provision providing that, to the extent necessary for reimbursement of benefits paid to or on behalf of the insured, the insurer is entitled to subrogation, as provided for in 2-18-902, against a judgment or recovery received by the insured from a third party found liable for a wrongful act or omission that caused the injury necessitating benefit payments.

**History:** En. Sec. 1, Ch. 365, L. 1987.

**2-18-902. Notice — shared costs of third-party action — limitation.** (1) If an insured intends to institute an action for damages against a third party, the insured shall give the insurer reasonable notice of the intention to institute the action.

(2) The insured may request that the insurer pay a proportionate share of the reasonable costs of the third-party action, including attorney fees.

(3) An insurer may elect not to participate in the cost of the action. If an election is made, the insurer waives 50% of any subrogation rights granted to it by 2-18-901.

(4) The insurer's right of subrogation granted in 2-18-901 may not be enforced until the injured insured has been fully compensated for the insured's injuries.

**History:** En. Sec. 3, Ch. 365, L. 1987; amd. Sec. 127, Ch. 61, L. 2007.

## Part 10 Grievance Procedures

**2-18-1001. Department of transportation personnel grievances — hearing.** (1) An employee of the department of transportation who is aggrieved by a serious matter of

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